REMARKS

Initially, in the Office Action dated May 10, 2005, the Examiner rejects claims 5-16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,009,410 (LeMole et al.). Claims 9 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over LeMole et al. in view of U.S. Patent No. 6,199,113 (Alegre et al.). Claims 13 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over LeMole et al. in view of U.S. Patent No. 5,920,701 (Miller et al.).

By the present response, Applicant has canceled claims 12 and 16 without disclaimer. Moreover, Applicant has amended claims 5, 7 and 8 to further clarify the invention. Claims 5-11, 13-15, 17 and 18 remain pending in the present application.

35 U.S.C. §102 Rejections

Claims 5-16 have been rejected under 35 U.S.C. §102(b) as being anticipated by LeMole et al. Applicant respectfully traverses these rejections.

LeMole et al. discloses a customized advertising repository server that is connected on the worldwide web, which can be accessed by a registered user through his or her browser. When the user accesses his or her customized ad repository through the browser, a composite advertising page is dynamically configured by the customized advertising repository (CAR) server for that particular user based on that user's previously provided user profile. Further, at least a portion of that composite advertising page can be dynamically configured on a context dependent basis determined from the particular website or sites that the user has accessed prior to accessing the CAR. From such dynamically configured composite

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page or pages, the user can then click on a particular image, video window, banner, etc., to retrieve through a hyperlink, further information directly from the selected advertisers own website or mirror website.

Regarding claims 5, 7 and 8, Applicant submits that LeMole et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, an apparatus set between a server and a client for distributing contents to the client that includes an apparatus for receiving the contents expected to be in demand in the future from the server in advance before a request is received from the client, storing the received contents, and transmitting the contents to the client in accordance with the request when received from the client, or an apparatus for receiving the permission information concerning distribution of contents to the client from a server which manages distribution permission information, an apparatus for requesting acquisition of permission to distribute the contents from the server to the client, and an apparatus for transmitting the contents to the client in accordance with a request from the client wherein the client distinguishing information is acquired by the authentication apparatus when contents distribution request is received from the client, the distribution permission information of the contents being checked for the client distinguishing information by the database access apparatus, the contents being distributed to the client when the distribution is permitted, and a request being made to acquire permission to distribute the contents from the server to the client by the apparatus for requesting acquisition of permission when the distribution is not permitted. Regarding claims 5 and 7, the Examiner summarily asserts that LeMole et al. discloses these limitations at col. 4, lines 1-67, col. 5, lines 1-67, and

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col. 6, lines 1-45. Applicant submits that the Examiner has not met the required legal burden as set forth by the courts to substantiate valid rejections under 35 U.S.C. §102.

To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 U.S.P.Q.2d (BNA) 1429, 1431 (Fed. Cir. 1997). The identical invention must be shown in as complete detail as is contained in the . . . claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226,1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. §2131. The elements must be arranged as required by the claim. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. §2131. It is respectfully submitted that the Examiner has not met the required legal burden as set forth by the courts to substantiate valid rejections under 35 U.S.C. 102(e).

The portions of LeMole et al. cited by the Examiner merely disclose details related to the above mentioned process of the user accessing his or her customized ad repository and the composite advertising page being dynamically configured by the CAR server for that particular user based on the user's previously provided profile. This is not an apparatus set between a server and a client for distributing contents to the client, as recited in the claims of the present application. LeMole et al. discloses an HTTP server receiving requests from a user and forwarding the requests to the CAR server where the CAR server then makes an advertising page and sends the advertising page to the user. Thus, the CAR server configures an advertising page for a user after receiving a request from the user. The CAR server further does not reside between the client and a server, as recited in

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the claims of the present application. Further, this is not an apparatus for receiving the contents <u>expected to be in demand in the future from the server in advance</u> <u>before a request is received</u> from the client, as recited in the claims of the present application. LeMole et al. discloses the CAR server configuring an advertising page and sending this to the client through the HTTP server <u>after receiving the user</u> <u>request</u>. According to the present invention, since the apparatus set between the server and client stores the contents from the server as cache data <u>beforehand</u>, the number of cache misses can be reduced, and the wait time for getting the contents to the server at the client side is also reduced when there are contents which the client desires in the contents distribution apparatus because the client is able to get the desired contents by accessing the contents distribution apparatus. In contrast, LeMole et al. merely discloses providing customized advertising <u>after receipt</u> of a user request. LeMole et al. does not disclose or suggest receiving contents to be expected in demand <u>in advance before a request is received from the client</u>, as recited in the claims of the present application.

Moreover, regarding claim 8, LeMole et al. does not disclose these limitations as mentioned above as recited in the claims of the present application. Further, Applicant submits that LeMole et al. does not disclose or suggest an apparatus for receiving the permission information concerning distribution of contents to the client from a server which manages distribution permission information, an apparatus for requesting acquisition of permission to distribute the contents from the server to the client, and an apparatus for transmitting the contents to the client in accordance with a request from the client wherein the client distinguishing information is acquired by

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the authentication apparatus when contents distribution request is received from the client, the distribution permission information of the contents being checked for the client distinguishing information by the database access apparatus, the contents being distributed to the client when the distribution is permitted, and a request being made to acquire permission to distribute the contents from the server to the client by the apparatus for requesting acquisition of permission when the distribution is not permitted. As noted previously, the Examiner has failed to adequately meet the required legal burden for a valid §102 rejection in that he has failed to specifically disclose where in the cited reference each and every limitation of the claimed invention is either explicitly or inherently disclosed. Further, the Examiner has not shown where in the cited references the elements are arranged as required by the claim. Applicant respectfully requests that the Examiner provide specific details regarding where in LeMole et al. each and every limitation in the claims of the present invention is cited.

Regarding claims 6, 9-11 and 12-15, Applicant submits that these claims are dependent on one of independent claims 5, 7 and 8 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. For example, Applicant submits that LeMole et al. does not disclose or suggest an apparatus for distributing contents to a client that includes an apparatus for transmitting the contents access situation information to the server which transmits a list of the contents predicted, an apparatus for receiving the list of the contents from the server, and an apparatus for acquiring the contents based on the list of the contents, or where the contents are encrypted and an entry which registers the

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decryption key of the contents exists in the database, and the server manages the decryption key, the apparatus further including an apparatus for requesting the decryption key from the server which manages the decryption key, an apparatus for receiving the decryption key from the server, and an apparatus for distributing the encryption key to the client.

Accordingly, Applicant submits that LeMole et al. does not disclose or suggest the limitations in the combination of each of claims 5-16 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

35 U.S.C §103 Rejections

Claims 9 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over LeMole et al. in view of Alegre et al. Applicant respectfully traverses these rejections.

Alegre et al. discloses an apparatus and method for providing trusted network security where a session key is established for accessing a trusted network from a browser. An authentication process receives identification from a user at the browser, and authenticates the user by checking the identification information against an authentication database. If the authentication database authenticates the user, a session key is created and stored at the browser. If the user is authenticated, a user profile defining access rights for the user is also retrieved. The user is then presented with access options based on the access rights defined in the user profile.

Regarding claims 9 and 11, Applicant submits that these claims are dependent on one of independent claims 5 and 8 and, therefore, are patentable over the cited references at least for the same reasons noted previously regarding these independent claims. Applicant submits that Alegre et al. does not overcome the substantial defects noted previously regarding LeMole et al. For example, Applicant submits that none of the cited references disclose or suggest where the contents are encrypted and an entry key which registers the decryption key of the contents exists in the database, and the server manages the decryption key, the apparatus further including an apparatus for requesting the decryption key from the server which manages the decryption key, an apparatus for receiving the decryption key from the server, and an apparatus for distributing the encryption key to the client, or where the contents distribution apparatus further includes an apparatus for determining a deletion timing of the contents acquired using the contents access situation information.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 9 and 11 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 13 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over LeMole et al. in view of Miller et al. Applicant respectfully traverses these rejections.

Miller et al. discloses the transmission of data (e.g., a computer file) from one or more content sources over a network to one or more replicated servers being scheduled and performed according to the schedule. The content sources request a schedule network resource scheduler. The scheduler receives the request and determines if and how the various requests can be accommodated. The scheduler determines at least a start time and a transfer rate for each of the content sources that can be accommodated.

Regarding claims 13 and 17, Applicant submits that these claims are dependent on one of independent claims 5 and 7 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Miller et al. does not overcome the substantial defects noted previously regarding LeMole et al. For example, Applicant submits that none of the cited references disclose or suggest where the contents distribution receives the contents from the server in a time zone when there is sufficient network bandwidth.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 13 and 17 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.
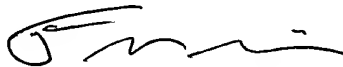
In view of the foregoing amendments and remarks, Applicant submits that claims 5-11, 13-15, 17 and 18 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

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To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 520.40551X00).

Respectfully submitted,

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